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CONCORD, N.H.

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Mar. 16

Mr. Henry I. Baldwin
Research Forester
Forestry & Recreation Commission

Dear Mr. Baldwin:

You have inquired regarding authorization to purchase fire insurance for the Forestry Research and Demonstration Station upon the Fox Reservation at Hillsborough in this state.

By the terms of the Fox Trust Fund Agreement executed on February 11, 1926, and a subsequent enabling act in chapter 49, Laws of 1933, providing for the acceptance of the Trust terms, it was provided that income from the Donor's Trust Fund would be expended by the State Treasurer in behalf of the State and in the manner directed by the Forester of said State:

"First: To keep and maintain a Forestry Research and Demonstration Station in said State upon the Fox Reservation at Hillsborough in said State . . ."

It is my opinion that fire insurance coverage may be purchased for the Forestry Research and Demonstration Station from income received by the State from the Trust Fund. As a matter of practice in the performance of this Trust Agreement by the State expressly approved by the National Shawmut Bank of Boston, Trustee, insurance has been purchased for this Station in order to assure that the purposes of this Trust will be carried out in accordance with the intent of the Donor.

The peculiar circumstances under which this Trust has been executed and the fact that its income is generated from a private and not State Fund compel the conclusion that Section 35, Chapter 27 of the Revised Laws as inserted by Section 1, Part 24, Chapter 5, Laws of the Special Session of 1950 do not apply.

Very truly yours,

John N. Nassikas
Assistant Attorney General

JNN:rm